



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 21ST DAY OF JULY, 1993 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Blumenauer, Hales, Kafoury and Lindberg, 5.

OFFICERS IN ATTENDANCE: Joan Engert, Acting Clerk of the Council; Ben Walters, Harry Auerbach, Deputy City Attorneys; and Officer Chuck Bolliger, Sergeant at Arms.

Agenda No. 1150 was pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA

- 1136** Cash investment balances for June 3 through June 30, 1993 (Report; Treasurer)
Disposition: Placed on file.
- 1137** Accept bid of Fir Grove Construction, Inc., dba Ron's Tree Service, for mowing and refuse removal on Columbia Boulevard buffer strip for \$40,500 (Purchasing Report - Informal Quotation)
Disposition: Accepted; prepare contract.
- 1138** Accept bid of Mocon Corporation for Portland Airport sanitary sewer repair for \$950,872 (Purchasing Report - Bid 176)
Disposition: Accepted; prepare contract.
- 1139** Accept bid of A. C. Schommer, Inc., for installation of emergency power provisions at Elk Rock Pump Station for \$49,800 (Purchasing Report - Bid 180)
Disposition: Accepted; prepare contract.
- 1140** Accept bid of Simon Ladder Towers, Inc., for furnishing two 100' tractor-drawn aerial ladder trucks for \$945,910 (Purchasing Report - Bid 192)
Disposition: Accepted; prepare contract.

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- 1141** Accept bid of Minnesota Mining and Manufacturing Company and Z.A.P. Manufacturing Company for retro reflective marking materials for \$224,212 and \$151,376 respectively (Purchasing Report - Bid 197-A)

Disposition: Accepted; prepare contract.

- 1142** Vacate an unnamed street lying south of N Marine Drive, under certain circumstances (Second Reading Agenda 1090; C-9833))

Disposition: Ordinance No. 166754. (Y-5)

- 1143** Vacate a certain portion of SW Logan Street and an unnamed alley, under certain conditions (Second Reading Agenda 1091; C-9821)

Disposition: Ordinance No. 166755. (Y-5)

Mayor Vera Katz

- 1144** Confirm appointment of Kay Stepp and reappointment of Vern B. Ryles and Carl B. Talton to the Portland Development Commission (Report)

Disposition: Confirmed.

- 1145** Give preliminary approval for Revenue Bonds in an amount not to exceed \$5,500,000 (Resolution)

Disposition: Resolution No. 35161. (Y-5)

- *1146** Authorize Water Systems Revenue Bonds and provide terms for future Water System Revenue Bonds (Ordinance)

Disposition: Ordinance No. 166756. (Y-5)

- *1147** Issue Sewer System Revenue Refunding Bonds (Ordinance)

Disposition: Ordinance No. 166757. (Y-5)

- *1148** Authorize agreement with Managed HealthCare Northwest for the provision of preferred provider health care services to the City of Portland self-insured plan participants (Ordinance)

Disposition: Ordinance No. 166758. (Y-5)

- *1149** Authorize an agreement with Ethix Pacific for the provision of managed care services to the City of Portland self-insured plan participants (Ordinance)

Disposition: Ordinance No. 166759. (Y-5)

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Disposition: Ordinance No. 166759. (Y-5)

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Disposition: Ordinance No. 166766. (Y-5)

- *1159** Contract with Bentley Engineering Company for professional planning and design services for \$46,000 and provide for payment (Ordinance)

Disposition: Ordinance No. 166767. (Y-5)

- *1160** Contract with Northeast Community Development Corporation to provide support for the Nehemiah Housing Opportunity Program in the amount of \$346,500 and provide for payment (Ordinance)

Disposition: Ordinance No. 166768. (Y-5)

- *1161** Contract with Oregon Human Development Corporation for \$10,000, to conduct educational and recreational programs with at-risk Hispanic youth and provide for payment (Ordinance)

Disposition: Ordinance No. 166769. (Y-5)

- *1162** Contract with the Oregon Human Development Corporation for the Hispanic Outreach Program in the amount of \$43,000 (Ordinance)

Disposition: Ordinance No. 166770. (Y-5)

Commissioner Mike Lindberg

- *1163** Authorize an application to the Oregon Arts Commission for a grant in the amount of \$12,050 (Ordinance)

Disposition: Ordinance No. 166771. (Y-5)

- *1164** Authorize an application to the Oregon Arts Commission for a grant in the amount of \$4,712 (Ordinance)

Disposition: Ordinance No. 166772. (Y-5)

- *1165** Authorize an application to the Oregon Arts Commission for a grant in the amount of \$43,660 (Ordinance)

Disposition: Ordinance No. 166773. (Y-5)

- *1166** Call for bids for replacement of roofs at two screenhouses, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 166774. (Y-5)

James Canfield of the Oregon Ballet Theatre displayed scenes for sets in the upcoming Nutcracker Ballet presentation in December.

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they don't pay the rate for average space of 2400 square feet. Customers may avoid the entire drainage fee by managing runoff on site. Metered billing is expected to increase and improve equity among customers, provide incentives to conserve water, and provide control over costs. As part of the rate study, the Bureau of Environmental Services is committed to developing a low income assistance program.

Mr. Gooley said the Bureaus of Water and Environmental Services have developed a new database to obtain information on water use and account information so they can determine the impact of metered billing on high-use customers. They've met with representatives from the League of Utilities and Social Service Agencies (LUSA) to design a program of low income assistance. They hope to return recommendations and findings to Council before the end of the calendar year and make any program consistent with the three goals of metered billing. They intend to identify single-family, low income accounts with high levels of water use, contact these households and identify the reason for high use (underground leak, broken plumbing fixtures, lifestyle). They would then understand the amount of financial assistance required and the best way to provide it. They might develop a low-interest loan program and financial assistance to make repairs. Where lifestyle is a factor, they would provide public education and site visits to help those users.

Commissioner Lindberg asked about immediate steps to help citizens.

Mr. Gooley said they might provide LUSA a list of accounts showing high water use so they can inquire into the reasons for it.

Commissioner Blumenauer asked if the enactment of this ordinance would prevent meeting any goals or planned actions.

Jane Burke, Customer Services Manager, Bureau of Environmental Services, reported staff had randomly selected high users who were low income seniors and made site visits. They determined there were several reasons for high water usage, including toilet leaks and several residents living in a home. She said the random sample suggests there are a lot of reasons for high consumption, and it would be best to handle the cause rather than the symptoms.

Mr. Gooley said reverting to the old system would require another time-consuming change to the computer system.

Commissioner Hales asked if the Water Bureau has a system for senior citizens.

Mr. Gooley said the Water Bureau's billing has traditionally been based on consumption.

Commissioner Hales described the old billing system as an intraclass

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subsidy, but neither Water nor Sewer had a subsidy from one class to another.

Mr. Gooley said there had been no inter- or intra-class subsidy. Inside the senior citizen rate, there was an allowance for not paying capital costs, but it had a nominal impact on rate, and the lower senior citizen rate resulted from lower average consumption.

Commissioner Hales asked how many of the 4800 households using the senior citizen/disabled rate are single-family residences and homeowners.

Jane Burke said the list presented to commissioners is for single-family homeowners.

Mayor Katz asked for a cost estimate of extending a policy for all low income citizens.

Mr. Gooley said there currently is just under \$200,000 in lost revenue, and it will cost up to \$50,000 to implement programming changes. They have not estimated the cost of a low-income assistance program citywide because they don't currently link accounts with income data. They don't know if use patterns are related to income.

The following people spoke in favor of the resolution:

HR Henning, 11800 SE Flavel
Ruth Currie, Multnomah Commission on Aging
Marilyn Mork, Commission on Aging
Donald B. Karstetter, 6530 N. Wilbur Ave.
E.W. Jacobs, 1315 N. 74th Ave., 97213-6120
Duke Kirschner, 5333 SE Rhone
Joe Keating, Pacific Party, 3020 SE Yamhill, 97214
Tom O'Keefe, United Community Action (UCAN)

Speakers said it would be hard to conserve more, as the water they use now is for necessities, any increase in rates is hard on people with fixed income, and conservation of water isn't the main problem so long as sewer charges continue to increase. Speakers thanked Commissioner Blumenauer and Mayor Katz for their compassion.

Mayor Katz asked Ruth Curry the percentage of renters who are not eligible for assistance.

Ms. Curry responded she doesn't have statistics on renters but knows people living in their own homes are having trouble paying property taxes and increasing expenses.

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Commissioner Hales asked the number of seniors living in Portland who would have household income of less than \$20,000.

Ms. Curry said there are 22,000 senior households.

Mayor Katz asked to interrupt proceedings to introduce James Canfield, Artistic Director of the Oregon Ballet Theater, who had been misinformed about the time for his presentation to Council.

Mr. Canfield announced the ballet theater's fourth season was in the black, and distributed drawings of new sets and costume designs reflecting Imperial Russia and the influences of Carl Faberge. He said the 1993 Nutcracker would be the biggest production ever in Portland, costing 2.2 million dollars and involving 23 performances this year and more in subsequent years.

The hearing on assistance for senior citizens' households resumed, and Tom O'Keefe, UCAN, reported surveying neighborhoods and determining homeowners don't know about the discounts already available to people who meet certain conditions. He said discounts should be automatic, so that people don't need to apply for them.

Commissioner Lindberg said the Water Bureau intends to send applications to targeted neighborhoods because in certain areas everyone might qualify for stormwater discounts.

Commissioner Hales asked how long the storm drainage discount has existed, what kind of market exists for the discount and whether there are eligible households not currently receiving the discount.

Mr. Gooley and Ms. Burke said a partial discount has been in effect since 1991, and a full discount since the beginning of fiscal year 1993. There have been 3000 applications processed so far. Ms. Burke said as of July 1, 1993, a single family home average was changed from 1500 square feet to 2400 square feet. Until then, not many people qualified, but now people will receive an insert in their bills about the discount.

Commissioner Hales asked if they would have to market two different programs if they continue with the existing program.

Commissioner Blumenauer said this ordinance is not intended to bring in new people, but to continue assistance for 5000 current accounts.

Commissioner Lindberg said there's a legal question whether they would have to mail educational materials citywide or just to targeted households, but the costs aren't much greater for the larger mailing.

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REGULAR AGENDA

Mayor Vera Katz

1167 Update on the 1993 Oregon State Legislature Session from the City of Portland Government Relations Office (Previous Agenda 1113)

Discussion: Marge Kafoury, Government Relations Office, reported the sales tax passed out of the House and is now before the Senate, where there probably will be changes. HJR 10 is a constitutional amendment and HB 2500 is the implementing legislation. Ms. Kafoury said there is nothing in the packages for local government so far.

Ms. Kafoury said the gas tax package is sitting in committee, and the trucking associations have withdrawn support. The Senate passed the Photo Radar bill, and it will become law if passed by the House. Ethanol repeal has passed and will restore 80 million dollars to the Trust Fund. She said HB 2234 activates "nickel a drink", but it is sitting in House Revenue Committee, requires agreement by the Governor's office and interest groups, and if it moves it will be three cents, not a nickel. Upon passage of HJR 59, a constitutional amendment dedicating beer and wine revenues to prevention/intervention programs, cities would get additional money from the three cents a drink.

Mayor Katz asked if the City would have control of how they spend revenues.

Ms. Kafoury said revenues would continue to flow to local government with no changes.

Mayor Katz asked about gang money for North Portland.

Ms. Kafoury said there are line items for some programs.

Disposition: Placed on file.

1168 Establish a smaller, decentralized Mt. Tabor stores operation to be managed by Parks and Recreation to serve parks maintenance and program needs and increase the FY 93-94 Parks and Recreation budget by \$73,597 (Report)

Discussion: Commissioner Hales reported the City is saving \$150,000 by adopting a new stores operation, and they are still preserving the necessary level of management for the Parks Bureau.

Commissioner Blumenauer said this doesn't represent good fiscal policy because it doesn't qualify as a contingency tap for something unforeseen and emergency in nature.

Commissioner Hales said this is an unforeseen expense because Council

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asked bureaus to be innovative, and the estimated cost of the new system was incorrect.

Commissioner Kafoury expressed a need to review the policy on contingency taps, but acknowledged that the Parks Bureau reported in April they'd have problems implementing this, and Council assured them they wouldn't be penalized.

Mayor Katz said bureaus were told to lower costs, flag future needs and to look at things differently and design new methods.

Disposition: Adopted. (Y-4; N-1; Commissioner Blumenauer)

1169 Recommend \$63,000 appropriation in Portland Parks and Recreation budget to operate youth programs (Previous Agenda 924)

Discussion: Charles Jordan, Parks Bureau, said schools will remain open evenings to serve youth, but their programs will cut into adult programs. Youth programs will go to 8:30 p.m., not 10:00 p.m., because someone has to pick up the cost for janitors staying late. Portland Public Schools will only offer to stay open to 8:30. Further negotiation is needed for use of gymnasiums.

Disposition: Adopted. (Y-5)

Commissioner Gretchen Kafoury

***1170** Contract with the Portland Development Commission for \$14,113,834 for portion of FY 93-94 Housing and Community Development Program and provide for payment (Ordinance)

Discussion: Commissioner Kafoury commended PDC and Bureau of Community Development staff and new directors for working closely together to produce a timely contract. She said the City is adding \$900,000 for indirect costs to maintain a shell structure for the Portland Development Commission and to protect the integrity of programs. She is committed to maintaining housing and development functions for one year so they can accomplish goals and aggressively resolve problems.

Disposition: Ordinance No. 166776. (Y-5)

***1171** Agreement with Richard Brainard Planning and Urban Design to provide professional planning services to update the Police Facilities Master Plan and study East Precinct alternatives (Ordinance)

Discussion: Commissioner Kafoury reported this is an amendment to the contract, but original work on the building has already been done.

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Disposition: Ordinance No. 166777. (Y-5)

Commissioner Mike Lindberg

***1172** Authorize funds for a contract with Woodward-Clyde Consultants for \$462,900 (Ordinance)

Disposition: Continued to August 4, 1993 at 2:00 p.m.

1173 Delete the administrative fee to customers requesting to be billed for stormwater drainage charges based on actual site characteristics and provide a credit to water/sewer bills of customers who have been charged the fee (Second Reading Agenda 1110; amend Code Section 17.36.010)

Disposition: Ordinance No. 166778. (Y-5)

City Auditor Barbara Clark

***1174** Create the Win Sivers Business Park Local Improvement District (Ordinance; Streets; C-9846)

Discussion: Dan Vizzini, Auditor's Office, said there's no hearing because the project is based on a petition waiver of the sole property owner who benefits from the improvement. This is the formal process of creating the project, and construction will begin this Summer.

Disposition: Ordinance No. 166779. (Y-5)

1175 Assess benefitted property for the costs of the construction of street and storm sewer improvements on SW Carson Street from the east line of SW 35th Avenue to approximately 305 feet east (Second Reading Agenda 1124; C-9800)

Disposition: Ordinance No. 166780. (Y-5)

1176 Assess property for sewer systems development charges through May, 1993 (Second Reading Agenda 1125; Z0440 through Z0457)

Discussion: Dan Vizzini, Auditor's Office, said at last week's hearing Frederick Hudson spoke to Council about assessments on two tri-plexes, and he met with Mr. Hudson to explain the calculation of his charges and how they related to the residential property across the street. Mr. Vizzini said Council needs to overrule Mr. Hudson's remonstrance.

Mayor Katz confirmed that Mr. Hudson received a full explanation of the charges.

Commissioner Hales moved to overrule the remonstrance, Commissioner

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Lindberg seconded the motion, and the motion passed. (Y-5)

Disposition: Ordinance No. 166781. (Y-5) (Remonstrance overruled.)

1177 Assess property for large lot deferral contracts through May 1993 (Second Reading Agenda 1126; L0021)

Disposition: Ordinance No. 166782. (Y-5)

1178 Assess benefitted property for the local share of costs associated with the Convention Center/Lloyd District Street Improvement Project (Second Reading Agenda 1127; C-9747)

Disposition: Ordinance No. 166783. (Y-5)

Commissioner Hales moved for an addition of a four-fifths item 1178-1 to the agenda, Commissioner Blumenauer seconded the motion, and the motion passed. (Y-5)

1178-1 Negotiate to acquire property for Forest Park (Resolution)

Discussion: John Sherman, Friends of Forest Park, said they've successfully protected Forest Park over the last five years, they've raised about one million dollars for major purchases, including the Hampton Old Growth Grove, and they are raising funds to acquire more property.

Commissioner Hales said this resolution will help the group raise more money, and failure to acquire this land would be an enormous loss to the City.

Commissioner Kafoury said she never thought they'd ever be able to raise the money to save the Hampton property, and this is testimony to how much Oregonians value their green spaces.

Disposition: Resolution No. 35163. (Y-5)

At 12:15 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 21ST DAY OF JULY, 1993, AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Hales, Kafoury and Lindberg, 4.

OFFICERS IN ATTENDANCE: Joan Engert, Acting Clerk of the Council; Pete Kasting, Deputy City Attorney; and Chuck Bolliger, Sergeant at Arms.

- 1191** Consider request for Comprehensive Plan Map amendment and zone change from R2 to CG to build an office building on property at SW 24th and Spring Garden Road and to amend Ordinance No. 154620 to allow modification of development on property at SW 24th Avenue and Hume Court (Previous Agenda 1131)

Discussion: Tom Dixon, Planning Bureau, said all parties have reached agreement, two revised conditions reflect conditions in the Hearings Officer's report, and a recommended third revision reiterates a previous condition for approval of the Shurgard Development. Mr. Dixon said he would draft findings for next week upon Council's approving these conditions.

Charles Cobin, 610 SW Alder, representing Marta and James Frank, confirmed the Franks and Shurgard reached an agreement and accepted the Hearings Officer's original recommendations, with amendment of paragraphs B and D.

Pete Kasting, Senior Deputy City Attorney, said Council need not formally amend the conditions here because they will be in the proposed findings, provided Council has no objections to the amendments.

Mayor Katz confirmed Council approval and directed that the Planning Bureau prepare findings for consideration July 28.

Disposition: Prepare findings for July 28, 1993 at 2:00 p.m.

- *1192** Amend the Comprehensive Plan Map and change the zone of property at SW 24th Avenue and SW Spring Garden Road, from R2, Residential, to CG, Commercial, with conditions (Previous Agenda 1132; 92-00853 CP ZC)

Disposition: Continued to July 28, 1993, at 2:00 p.m.

- *1193** Amend Ordinance No. 154620, which granted a Zone Change on property located on SW Hume Court at SW 26th Avenue, from R7 to R2, to modify Condition 1, and add conditions (Previous Agenda 1133; 92-00853 CP ZC)

Disposition: Continued to July 28, 1993, at 2:00 p.m.

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- 1194** Adopt Columbia South Shore Slough Trail Master Plan and amend Title 33, Planning and Zoning Code, City Comprehensive Map and Official Zoning Map (Second Reading Agenda 1128; amend Title 33)

Disposition: (Y-4) (Reconsidered July 22, 1993 at 2:00 p.m., continued to July 28, 1993 at 2:00 p.m.)

- 1195** Adopt an amendment to the Columbia South Shore Recreational Trail Trust Fund (Second Reading Agenda 1129)

Disposition: Ordinance No. 166784. (Y-4)

- 1196** Adopt an amendment to Code Title 20, Parks and Recreation, to prohibit domestic animals and bicycles from the Columbia South Shore Slough Trail (Second Reading Agenda 1130; amend Title 20)

Disposition: Ordinance No. 166785. (Y-4)

- 1179** **TIME CERTAIN: 2:00 PM** - Adopt and implement the Albina Community Plan and the 11 neighborhood plans developed with and as a part of the Albina Community Plan (Ordinance introduced by Commissioner Hales)

Discussion: Mayor Katz reported Council would review each recommended amendment and vote on the ones they approve.

Michael Harrison, Planning Bureau, announced the final hearing on the Albina Community Plan; previous hearings were May 5, 12 and 13. On June 8, at an informal session, Council reviewed proposed amendments and made tentative changes in the Plan, and this hearing is to discuss the tentative changes. Mr. Harrison recommended that Council approve the resolutions when they vote on the implementing ordinances at the Second Reading on July 28.

Mr. Harrison reported the business community was concerned about offsite impact standards and application within the Plan District at the property line. The PDC and TAC for the Albina Plan recommended two action chart items: 1) review of the off-site impact standards and their application in Albina in 5-8 years and 2) development of a brochure to explain to developers how they cost-effectively may meet off-site impact requirements. There was concern about B-buffer overlay zones imposing restrictive layers of regulations. They decided to eliminate the B-Buffer Overlay Zone on those sites subject to design review. To ensure that design review reflected these concerns, they added a new design guideline regarding impact of traffic and circulation in the adjacent residential community. To provide flexibility for business, at some locations where design review wasn't required, the width of the B-Buffer overlay zone was reduced from 50 feet to 25 feet at several locations along Alberta. Regarding the Swan Island Plan District, the Plan was amended to clarify that storage of only hazardous waste cleanup and

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removal equipment was permitted, not storage of actual hazardous waste materials at Swan Island ship repair yards.

Mr. Harrison summarized changes to Supplemental Compatibility Standards (SCS). They increased the compliance requirement from 80 percent to 100 percent in Residential Historic Design Zones. The 80-percent rule would still apply to business development in Commercial and Industrial Zones and would still apply to development not in Historic Design Zones. Also, in Residential Historic Design Zones, the width of siding materials allowed was reduced from a board pattern of eight inches to four inches. Remodel projects in these zones are required to maintain more existing exterior features. Fire escapes and exterior stairs are precluded from being built on the sides of buildings facing streets. The Plan clarifies that neighborhood and business associations and developers will all be involved in monitoring and update of Supplemental Compatibility Standards, with a two-year review on that document.

There were major changes to the Alternative Design Density Overlay Zone, the A-Zone. They dropped a provision from the A-Zone allowing conversion of a backyard garage with creation of an accessory structure to house a rental unit. The A-Zone was deleted from application in the Overlook Neighborhood. They instead expanded the Plan District and added language allowing rowhouse in-fill on different residential lots. This is a variation on the All-Overlook-Compromise. The Livable Cities Project will consider accessory rental provisions and development of incentives to encourage accessory rental units. Council had asked Planning to find out whether it is feasible to allow backyard accessory units if the abutting neighborhoods agreed, and they've confirmed that would be difficult to implement; however, Livable Cities will explore this further. Council had asked Planning to see whether the Albina neighborhoods that favored the A-Zone would consider allowing backyard accessory rental units in their neighborhoods. Planning is working on a proposal to create special Plan District regulations to allow these units in part of the Albina community, including parts of Concordia, Sabin and King neighborhoods. A meeting to discuss this with Vernon Neighborhood Association has been scheduled.

Regarding Map changes south of Columbia Boulevard, there was an addition of CM, mixed commercial zoning, on King Boulevard in place of R1 zoning between Dekum and Highland Streets. Council changed the Planning Commission recommendation from R1 to CM zoning for a tract of property north of Marine Drive. In the southern part of Boise neighborhood, property owned by Whitcomb Crichton on Michigan Avenue and the frontage of the block on the west and east sides of Michigan Avenue was changed from R2 to RH in zoning and Comprehensive Plan designation. Along the Columbia Slough they eliminated the prospective acquisition of public open space north of Schmeer Road, between Denver Avenue and I-5.

Several neighborhoods, including Irvington, Piedmont and Eliot, have

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attempted establishment of a monitoring program for the Albina Plan, and Resolution 1180 provides an action plan item directing the Planning Director to bring such a program to Council as part of the process in subsequent budgeting cycles.

Mr. Harrison noted that page two of Item 1180, a Substitute Resolution, neglects to list Irvington Neighborhood in a listing of 11 neighborhood plans.

Commissioner Hales moved to substitute Item 1180 as amended. Commissioner Lindberg seconded, and the motion carried. (Y-4)

The following Neighborhood Associations and individuals commented on amendments and proposed further changes:

Michael Henniger, 2138 NE 16th, 97212
Herbert Althouse, 703 Broadway, #605, Vancouver WA 98660
Larry Weiss, 173 NE Bridgeton, 97211
Doug Hartman, 4615 N Colonial, 97217
Julie Greene, 6326 NE Mallory, 97211
Allan T.J. McInnis, 2090 SW Cedar Hills Boulevard, 97225
Giles Gibson, 2106 N. Willamette Blvd., 97217
Whitcomb Crichton, 6204 N. Depauw St., 97203
Rich Brown, PO Box 11565, 97211
Jerry VanHorton, 3091-3939 NE MLK Jr. Blvd., 97227
Lean VanHorton, 3939 NE MLK Jr. Blvd., 97227
Charlotte Uris, 2526 NE 10th, 97212
Beverly Bookin, 811 NW 19th, #206, 97209
Steve Rogers, 533 NE Brazee, 97212
Charles W. Wainwright, 3131 NE MLK Jr. Blvd.
Robert Huggins, 5124 NE Cleveland, 97211
Andy Anderson, 1935 N. Willamette Blvd., 97217
Ron Fossum, 5535 NE 30th, 97211
Steve Foust, 605 NE Going
Robert D. Scanlan, 1211 SW 5th Ave., #2600, 97204
Pam Arden, 1817 N. Winchell, 97217
Walter Valenta, 11919 N. Jantzen, #114, 97217

Speakers all praised Council, Planning staff, and the Landmarks, Design Review and Planning Commissions for their attention to citizens' concerns. Speakers expressed support for the majority of the Plan and its potential for maintaining and improving neighborhood livability in conjunction with some development. Speakers thanked Council for eliminating requirements for alternative density design overlay zones for some neighborhoods. They affirmed the need to continuously monitor implementation of the Plan.

Michael Henniger, representing Irvington Community Association, listed five issues of concern: 1) rescision of the prior board's motion to expand the A-overlay throughout Irvington, because there were Board elections and a

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successful motion to undo that; 2) rejection of the A-overlay in any form in Irvington; 3) expansion of the Historic District in Irvington to include the entire neighborhood area; 4) involvement of neighborhoods in Supplemental Compatibility Standard review from the beginning; and 5) ongoing evaluation and monitoring. Regarding Council's proposed amendments, Irvington residents noticed several recommendations Council did not review.

Charlotte Uris, representing the Irvington Land Use Committee, said Item 1180 does not adequately describe the purpose of Supplemental Compatibility Standards review, and they wish language similar to the Planning Bureau's June amendment be drafted into the Plan, CI33 and Item 1180. They believe there should be 100-percent and 80-percent requirements for building design standards and developers meeting with neighborhoods. She said all development projects in Historic Design Zones requiring a building permit should require neighborhood contact. There should be the same additions to the Supplemental Compatibility Standards that were made to the Design Guidelines on page 10, Guideline 6.5.

Robert Huggins, representing Humboldt Neighborhood Association, said the neighborhood will not affirm even a modified A-overlay, unless it is adopted City-wide and in affluent neighborhoods.

Larry Weiss, Bridgeton Neighborhood Association, expressed appreciation for the CM designation preventing development of land for a Costco warehouse.

Allan McInnis, Bridgeton property owner, referred to Map 1929, NE Quadrant of I-5 and Marine Drive, and said the Albina Plan includes a social responsibility to provide jobs with just wages and benefits and owner-occupied housing in the Albina area. Mr. McInnis urged Council to allow Costco's development of the property for long-term community benefit.

Robert D. Scanlan, representing Youth Empowerment Coalition and as a board member of the House of Umoja, encouraged rezoning the site at I-5 and Marine Drive for development of a Costco and related stores. This would provide for 300-350 permanent jobs, and Costco has pledged to hire from the Albina community. He said the best use for this site is commercial, not residential, because of surroundings and traffic there.

Mayor Katz asked about efforts to find an MLK site for Costco.

Mr. Scanlan said he is not involved with Costco in any way, but Al McGinnis indicates Costco has been looking for a site for two or three years, and this site meets their criteria.

Mayor Katz asked staff to review the rationale for the zoning decision.

Walter Valenta, Bridgeton Neighborhood Association, stressed that the majority of neighbors want CM zoning because there are better uses for the

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property than the Costco store.

Douglas Hartman, Overlook resident, said there is an arbitrary boundary line drawn through the middle of a block, and some two-lot properties are divided so houses and garages lie in different zones, R2.5 and R5. He requested Council move the line one lot north for logical zoning.

Giles Gibson, Overlook Residents for Sound Planning, endorsed adoption of the modified All-Overlook Compromise, despite the decision not to incorporate application of Design Review to the R2.5 designation along Willamette Boulevard.

Lowell Andy Anderson, Overlook Residents for Sound Planning, noted that residents on Willamette Boulevard agreed to stop resisting R2.5 designation if a design component would be added, and the All-Overlook Compromise accomplishes this.

Julie Greene, Piedmont Neighborhood Association, referred to Map 2430, south of the intersection of MLK and Portland Boulevard. The plan recommends the block facing MLK be CM, and the other half R1. She urged full-block zoning as CM to promote opportunities for quality development. She said Piedmont has consistently supported mixed commercial zoning, not R1. She also asked for reconsideration of the zoning change on Map 2330, and a block of Dekum to northeast Bryant because they would like to retain 100-foot depth to preserve Victorian homes on Garfield. That half-block zoning designates this mixed commercial and R1, but they recommend making the whole half-block CM. Regarding supplemental compatibility standards, Piedmont wishes to be contacted early by developers, would like all businesses considering expansion to contact them and would like to see the exemption apply to less than three residential dwelling units. So there's no misunderstanding about setbacks, they would like standards for setbacks in historic districts and to clarify wording on A2, making it similar to the section on B2K, where a 25-foot setback is required. Regarding Building Design Standards, they would like to look at architectural details on garages facing the street so they are not obtrusive. They find reduction of horizontal siding to three or four inches in Historic Design Zones restrictive, because many old homes in the area have wider siding.

Steve Rogers, representing Eliot Neighborhood Association, supported reducing from three to zero units the threshold for requiring developers to discuss with neighborhoods plans for housing within Historic Design Zones. Eliot neighborhood has a significant number of vacant lots, so there's concern a lot of housing could be built that would reduce the reason for having a historic district. They support additional language on buffering for the SCS. They wish to replace all occurrences of R2.5 with R2.5 and R2 in one section of the Plan, allowing Eliot an increase in diversity of housing and development options and smaller-scale owner-occupied houses.

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Herbert Althouse, Hayden Meadows, 703 Broadway, #605, Vancouver WA 98660, noted that a part of the property east of I-5 was not removed from the OS overlay, including the privately owned G2 area between Schmeer Road and the Slough. He requested that Council reexamine that zoning so industrial-zoned land does not lie vacant.

Rich Brown, North/NE Business Association, asked for clarification that Compatibility Standards will be reviewed within two years and want City-wide regulations to develop from a district planning process.

Beverly Bookin, representing Portland Institutional Coalition, a group of hospitals and college campuses, said all changes involving institutional zoning were requested in April and are in the final text.

City Council took a break at 3:30 p.m. while Planning staff reviewed proposed amendments and citizens' requests. Council reconvened at 3:50 p.m.

Mayor Katz asked Mr. Harrison to summarize each issue for Council's consideration and vote on each amendment. Each amendment will be incorporated into documents for the Second Reading.

Regarding Jerry and Leah VanHorton's four lots on the west side of King Boulevard, north of Failing Street, Quarter Section 2630, Exhibit A, Mr. Harrison described the request to change the Comprehensive Plan and Zoning from RHD to EXD. CMD had been suggested as an alternative, but Planning favors EXD zoning to foster development and economic opportunity in all sectors of the economy. Mr. Harrison said CM would grandfather the existing uses and allow up to 5000 square feet of light industrial activity if entirely in a building, but it would require new development be at least 50 percent housing. The VanHortons would have more flexibility for growth in their business with EXD zoning, while preserving the opportunity for housing.

Commissioner Kafoury made a motion to approve staff's recommended amendment allowing EXD zoning, Commissioner Hales seconded the motion, and the motion passed. (Y-5).

Piedmont, Eliot, Concordia and King Neighborhood Association representatives expressed a need for ongoing monitoring. Michael Harrison recommended keeping proposed language that requires this be done during the regular budget process, so as not to violate the policy of only making budget decisions during the budget cycle.

Mayor Katz said Council will ensure bureaus follow through on the Plan regardless of the delay before the start of the next budget year.

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Commissioner Kafoury confirmed that conversations regarding these issues can continue.

Commissioner Hales asked about the effective date for the Plan.

Mr. Harrison said August 27 will be the effective date assuming approval of all ordinances and barring an appeal.

Commissioner Blumenauer asked about workload for the Planning Bureau and recommended continued Council attention to that issue until next Spring.

Mr. Harrison said current Planning staff and the Permit Center will ensure implementation of all elements of the Plan. There's an obligation to revisit with neighborhood and business groups for feedback and to endorse future intergovernmental action plans. This year's work program would involve 16-person weeks, or a third of an FTE.

There was no motion regarding additional monitoring beyond the current language.

Mr. Harrison described Irvington Neighborhood Association's request to have their Historic Design Zone cover the entire neighborhood. There may be a rationale for an expansion, and the Landmarks Commission has retained the option of reconsidering boundaries if Irvington can document the request and update their inventory. Planning recommended no change at this point.

There was no motion.

Mr. Harrison described Doug Hartman's request to change zoning to entirely R2.5 on Quarter Section 2528, the first block North of Going and East of Concord, South of Wygant. He recommended approving this change to make the zoning R2.5 on the full block, which would support development of housing there.

Commissioner Hales moved to apply the R2.5 designation, and Commissioner Kafoury seconded the motion. (Y-5).

Mr. Harrison described Whitcomb Crichton's request regarding property on Michigan Avenue. The Planning Commission considered IG1B zoning in 1992, but visited the site and viewed pictures and concluded it shouldn't be zoned industrial, but should remain residential. Based on this suggestion, Council considered this an excellent site for density housing at the June 8 session and tentatively rezoned it to RH. Planning recommends retaining that.

There was no motion.

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There was no motion.

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project will have to go through a compliance process, so there will be very gradual change.

There was no motion.

Mr. Harrison discussed Charles Wainwright's first request regarding Eliot Neighborhood relating to the zoning pattern in Exhibit A, Map 2730. He requested that the depth of the RH zoning between Morris Street and Cook Street on the west side of King Boulevard be increased from 120 feet to 170 feet by adding one additional lot of depth to the RH zoning. Council previously tentatively approved an increase on one of the lots, which would add another five lots, 2500 sq. feet of RH zoning along King Boulevard. This would not significantly affect developers' ability to work with 120 instead of 170 feet. This is partially within the Eliot Historic Design Zone, which preserves existing buildings and ensures compatible new development. They recommend approval of Mr. Wainwright's request for increase in the RH zoning at this location.

Commissioner Hales made a motion to approve the request, Commissioner Kafoury seconded it, and the motion passed. (Y-5).

Mr. Wainwright's second request concerned the Northwest corner of Block 12 at the southwest intersection of Fargo and King; he wished to rezone the two lots there EXD for commercial development. That's in the middle of an RH area, and the Planning Commission wanted to encourage new development south of Stanton and Graham into the lower part of King or to shift up to the King and Fremont intersection. There are vacant parcels on both sides of King. Planning recommends against this zoning change.

There was no motion.

Piedmont Neighborhood Association had noted Maps 2430 and 2530 where zoning was divided, and neighbors felt there should be full-block zoning, with the R1 zoning in the western half shifted to CM. Michael Harrison said Planning supports that change because the whole block is largely vacant, and CM zoning would preserve housing opportunities and promote more development.

Commissioner Hales made a motion to approve the request, Commissioner Kafoury seconded it, and the motion passed. (Y-5).

Mr. Harrison noted Map 2330, which concerns the block between Bryant and Dekum on the west side of King in the Piedmont neighborhood. He said the southern two lots are at the intersection of King and Dekum, the whole intersection is proposed for CM zoning, and Piedmont requested that the remaining eight lots on that lot be CM zoning. Mr. Harrison said the zoning lot is half a block deep to protect historic structures, and Planning supports the Piedmont request for CM zoning on the rest of the half-block.

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Commissioner Hales made a motion to approve the second Piedmont request, Commissioner Kafoury seconded the motion, and the motion passed. (Y-5).

Mr. Harrison said Irvington Neighborhood Association requested that the A-zone be removed from Irvington despite changes. The Planning Commission proposed an A-zone boundary in Irvington that they feel is appropriate, focusing on R2.5 zones that are being downzoned to R5 and focusing on areas with a large concentration of multi-dwelling developments predating zoning. Based on the Commission's recommendations, they recommend against this change.

There was no motion.

Mr. Harrison described the request for ongoing monitoring of the traffic counting program on NE 15th Avenue. The Office of Transportation has indicated many neighborhoods have requested this but it would prefer to complete the Irvington project and then attend to other neighborhoods on their list. Mr. Harrison recommended against the change.

There was no motion.

Mr. Harrison said Irvington requested additional language to Action Item Community Image 33, with parallel language to the amendments document, reading "Concerns about the ability of the Supplemental Compatibility Standards to ensure compatibility are intended to be addressed by the two-year monitoring process proposed in the Plan." He said Planning recommends adding the language, as this provides additional assurance to the community Planning will follow through on the Plan.

Commissioner Hales made a motion to approve the request, Commissioner Lindberg seconded the motion, and the motion passed. (Y-5).

Mr. Harrison said a number of neighborhoods requested deleting from the Plan compatibility standards exempting smaller projects -- business projects under 10,000 feet and residential projects of three units or less - from the mandatory requirement for meeting with neighborhoods. Mr. Harrison recommended retaining the provision, because the Design and Planning Commissions examined who should be required to attend mandatory meetings. They wish to encourage small development actions for new housing, and these small developers will be intimidated by this requirement. The North/Northeast Business Association worked with the Planning Commission to develop a reasonable size of business development that would be exempt. Two-year review will examine these issues.

Commissioner Kafoury said Fair Housing policy will encourage meeting with neighbors, and much can be accomplished with education rather than requirements at this time.

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Regarding Supplemental Compatibility Standards, Michael Harrison said Eliot reported that when the B-buffer overlay zone was eliminated from sites subject to Design Review, a guideline was added to the Design Guidelines document, but not the Supplemental Compatibility Standards. Developers are more likely to use the SCS rather than go through the Design Review process. The recommendation adds SCS subsections (f) and (g) to 33.295.110, which talk about location of motor vehicle access and landscape separation between motor vehicle parking and maneuvering areas and residential development. They recommend making those additions to the Supplemental Compatibility Standards.

Commissioner Hales made a motion to approve the change, Commissioner Lindberg seconded the motion, and the motion passed. (Y-5).

Mr. Harrison said Charlotte Uris requested that Action Chart Item LUR 34, added by Resolution 1180, calling for a five- to eight-year review of the offsite impact requirements, be deleted. They recommend retaining the review because the business community is reasonably concerned about the potential impacts of offsite impact standards on development and Planning should accommodate reasonable concerns to ensure that standards are working properly and not impeding business development.

There was no motion.

Mr. Harrison described Piedmont Neighborhood's request that the language for supplemental building setback A2 be clarified with an architectural detail requirement for garages. They do not recommend that but will monitor the situation within the next two years.

There was no motion.

Regarding width of siding, Mr. Harrison said the Code language does not limit size to three or four inches, it limits the siding to patterns of boards that are three or four inches in width. This anticipates situations where there are boards designed to look smaller than they are. He said the language provides for a wide range of siding materials.

Commissioner Hales confirmed that the standard applies to the board pattern revealed, not the width of the board.

There was no motion.

Mr. Harrison said Kenton Neighborhood wishes to apply SCS to areas outside the A & D zone. There is a potential for other kinds of development not subject to these standards. The Planning and Design Commissions concurred they did not want to create more regulations for Albina than in other areas and want to offer people the incentive to comply voluntarily. They recommend against the change.

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There was no motion.

Mr. Harrison described Mr. Althouse's request to delete possible future public acquisition of open space south of Schmeer Road in the area of I-5. At the June 8 meeting Council deleted the proposal for possible open space between Denver and I-5 north of Schmeer Road. That area was considered excellent for industrial development because it is inside an Economic Enhancement Zone. The Parks Bureau and Metro were interested in acquiring more public open space along this loop for the Greenspaces program. The property south of Schmeer Road is vacant and relatively shallow and partially absorbed by dike development not suitable for building, so they recommend retaining the option for open space acquisition in the Plan. This will not change the development options and zoning.

There was no motion.

Mr. Harrison said Concordia and King Neighborhood Associations recommended making the Ten Essentials available to the public. Planning intends to make all Albina Plan documents available to the general public for costs of reproduction. He recommended an action item to make the Ten Essentials available to the public through the Permit Center.

Commissioner Hales moved to approve the recommendation, Commissioner Lindberg seconded the motion, and the motion passed. (Y-5).

Mayor Katz asked if any items had been missed

Charlotte Uris asked about requiring all developers to meet with neighbors for all development in Historic Design Zones.

Mr. Harrison said the Landmarks and Design Commissions were concerned that neighborhood meetings would be an onerous requirement for small developers.

Mayor Katz requested that Michael Harrison review within the next week whether all concerns had been addressed.

Mr. Harrison agreed to check the record for any omissions.

Commissioner Kafoury thanked Planning Bureau staff and neighbors for their tremendous effort. She expressed disappointment the A-overlay was restricted, but appreciates the resolution to insert it into the Livable City process.

Commissioner Lindberg observed there had been over 400 meetings on the Plan and thanked participants.

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Disposition: Passed as amended to Second Reading July 28, 1993 at 2:00 p.m.

S-1180 Adopt the Action Charts of the Albina Community Plan and accompanying 11 neighborhood plans developed with and as a part of the Albina Community Plan (Resolution)

Disposition: Continued to July 28, 1993 at 2:00 p.m.

1181 Direct the Portland Bureau of Planning in Phase II of the Livable City Project to consider the formulation of City-wide regulations to govern the development of detached accessory rental units and the use of incentives to encourage the construction of accessory rental units (Resolution)

Disposition: Continued to July 28, 1993 at 2:00 p.m.

1182 Request acknowledgement of the Albina Community Plan and accompanying 11 neighborhood plans by METRO (Resolution)

Disposition: Continued to July 28, 1993 at 2:00 p.m.

1183 Request acknowledgement of the Albina Community Plan and accompanying 11 neighborhood plans by Multnomah County (Resolution)

Disposition: Continued to July 28, 1993 at 2:00 p.m.

1184 Request acknowledgement of the Albina Community Plan and accompanying 11 neighborhood plans by Portland Community College (Resolution)

Disposition: Continued to July 28, 1993 at 2:00 p.m.

1185 Request acknowledgement of the Albina Community Plan and accompanying 11 neighborhood plans by Portland School District No. 1 (Resolution)

Disposition: Continued to July 28, 1993 at 2:00 p.m.

1186 Request acknowledgement of the Albina Community Plan and accompanying 11 neighborhood plans by Tri-Met (Resolution)

Disposition: Continued to July 28, 1993 at 2:00 p.m.

1187 Adopt design guidelines for design review zones within the Albina Community Plan study area (Ordinance)

Disposition: Passed to Second Reading July 28, 1993 at 2:00 p.m.

1188 Adopt the Planning Commission recommended Albina Community Plan and 11 supporting Neighborhood Plans (Arbor Lodge, Boise, Concordia, Eliot,

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Humbolt, Irvington, Kenton, King, Piedmont, Sabin and Woodlawn)
(Previous Agenda 1040)

Disposition: Continued to July 28, 1993 at 2:00 p.m.

- 1189** Adopt the Portland Historical Landmarks Commission recommended City-wide Goal 12 Urban Design Goal, Policies and Objectives and Albina Community Plan Historic Design Zone/Neighborhood Conservation Districts and approve for use the adopted Albina Community Plan Design Guidelines (Previous Agenda 1041)

Disposition: Continued to July 28, 1993 at 2:00 p.m.

- 1190** Adopt the Portland Design Commission City-wide Goal 12 Urban Design Goal, Policies and Objectives and Albina Community Design Zones and approve for use the adopted Albina Community Plan Design Guidelines (Previous Agenda 1042)

Disposition: Continued to July 28, 1993 at 2:00 p.m.

At 5:00 p.m., Council recessed.

JULY 22, 1993

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS THURSDAY, THE 22ND DAY OF JULY, 1993 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Lindberg, Presiding; Commissioners Blumenauer and Kafoury, 3.

OFFICERS IN ATTENDANCE: Joan Engert, acting Clerk of the Council; Kathryn Imperati, Senior Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

- 1194** Adopt Columbia South Shore Slough Trail Master Plan and amend Title 33, Planning and Zoning Code, City Comprehensive Map and Official Zoning Map (Second Reading Agenda 1128; amend Title 33)

Discussion: Commissioner Lindberg reported the Planning Bureau requested reconsideration so the item could go to Second Reading July 28. Commissioner Kafoury made a motion for reconsideration, Commissioner Blumenauer seconded the motion, and the motion passed. (Y-3)

Disposition: Continued to July 28, 1993 at 2:00 p.m.

- 1197** **TIME CERTAIN: 2:00 PM** - Consider the LUBA remand of the application by the Housing Authority of Portland for conditional use, essential service provider and an interim resource protection review, in order to construct a 31-unit residential building to provide short-term housing, located at SW Bertha Boulevard near SW Chestnut (Previous Agenda 1085)

Discussion: Mike Hayakawa, Planning Bureau, introduced a land use review remanded to the City by the Land Use Board of Appeals. He said the Housing Authority of Portland originally applied for Conditional Use review for this 31-unit residential building in May 1991. The Hearings Officer approved the application with 14 conditions, Council upheld the Hearings Officer and added four conditions, LUBA remanded the case, and the Court of Appeals upheld that decision. Mr. Hayakawa referred to photocopies of the site plan, the zoning map in effect at the time, and the criteria of approval for institutional uses. He said LUBA agreed with two of the petitioners' eleven assignments of error and one sub-assignment of error. LUBA agreed the findings were not adequate to meet 33.815.105A., B., 2. or 3., and there is not substantial evidence in the record that soil stability in the storm water detention area will not be impacted by the development. Testimony for this public hearing is limited to three errors prompting LUBA's remand: 1) findings did not identify size and location of non-household living uses; 2) findings failed to identify intensity and scale of existing household living uses and other uses in the residential area; and 3) findings do not describe the overall residential appearance and function of

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the area. In the second assignment of error, LUBA said the findings do not explain how Council interprets "adjacent residential developments" or "immediate vicinity." LUBA found that the conclusion soil stability in a storm water drainage area will not be impacted by development is not supported by substantial evidence in the record, which is defined as evidence on which a reasonable person would rely to support a decision.

Kathryn Imperati, Senior Deputy City Attorney, said the record and supplemental record of original proceedings that were filed with LUBA is part of today's record in the remand proceeding, and the scope of the hearing is confined to three issues and specific criteria in the Zoning Code. Code criteria involve the Conditional Use for institutional and other uses in the R-Zone, specifically 33.815.105A. dealing with a proportion of household living uses, 33.815.105B.2. and 3. dealing with issues of physical compatibility and 33.815,105C.2. dealing with the safety issue of soil stability in the water detention area. LUBA upheld the City's findings on all other issues and criteria.

Richard Brownstein, General Counsel for applicant Housing Authority, 1200 SW Main Street, listed three issues 1) whether the development will adversely impact Multnomah and Wilson Park neighborhoods so as to change their character; 2) is the development compatible with immediate neighbors in terms of look and design, and 3) will the development adversely affect soil stability on adjacent properties? He said LUBA insists that Council back up decisions with factual determinations, and Council here should consider number of household uses in the two neighborhoods, the size and location of the nonhousehold uses, the intensity of the proposed use and the intensity of household and other uses, the scale of the proposed use and household and other uses, and identification of overall residential appearance and function, and a comparison with overall household development and scale. He said Council needs to conclude overall appearance and function will not be lessened by uses not in the household living category.

Mr. Brownstein said HAP employed Metro's Regional Land Information System for data they used. They considered single-family and multi-family housing and all nonhousehold uses in the two neighborhoods, mapping out the locations for these properties. The applicant urged Council to define density as the ratio of building improvement to lot size, or the floor-area ratio. They computed the mean of floor-area ratio through the two neighborhoods. They defined scale as height of structures, measured by the number of stories. In the entire neighborhood, there are 4,784 households, 672 nonhousehold units (14 percent). There is a 15.5 percent ratio of nonhousehold to household uses throughout the City, so these neighborhoods have slightly less than the City average. Intensity in the neighborhoods runs from .05 to 34.67, but the average is .19 as the ratio of improvement to lot size. In nonhouseholds, the ratio is from .01 to 4.12, an average of .14. The Turning Point is .18, fitting in with both household and other uses. One out

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of six homes in the area is classified as more than one story (1.16), and daylight basements and split levels have not been counted as more than one story. Nonhouseholds are .69. Turning Point, a two-story building, is 2. Combining intensity and scale, Turning Point complies favorably with surrounding uses.

Mr. Brownstein said there is no question the Turning Point is compatible with adjacent residential development based on site size, building style and scale, setbacks and landscaping. He said soil stability is of concern only if adjacent land is adversely impacted by the project. The site is bordered by a creek, there's a storm water detention area that HAP owns, so water will never go above the level of land owned by the applicant, and the Hydrologist has issued an opinion there will be no increased erosion. There's a dam at the bottom of the creek on Barbur Boulevard, so the more water that enters the site, the slower it flows. There won't be a flooding condition there.

The following persons testified in support of the Turning Point development at this location:

Gerry Newhall, 604 SW Westwood Drive, Friends of Turning Point
Chuck Currie, 1236 SW Salmon Street, Burnside Advocates
Dan Saltzman, 7104 SW Fifth Avenue
Tony Warrukiewicz, 7257 SW Nevada Terrace, 97219

They reported they all wish to maintain the enjoyable quality of life in their neighborhoods, and they believe this plan is compatible with their interests and with other developments on Bertha. They said 30 families will not overcrowd the neighborhood, landscaping will mitigate any incompatibility, and the shelter is needed for homeless families. They emphasized a number of developments have been built on Bertha since the May 1991 application for Turning Point. Some speakers described the long-existing Raz parking lot as incompatible with the neighborhood.

Robert Simon, 880 Lake Forest Drive, Lake Oswego, 97034, attorney representing appellants, thanked the Housing Authority for paying to bring Wesley Risher back from the Air Force base where he is serving reserve duty. He requested that the proposal be sent back to the Hearings Officer for consideration of more information and that Council change their minds about the project.

Mr. Simon said flooding and drainage are problems in the area, and the proposed retaining wall will cause property to slide. He said the County Tax Assessor said the commercial database is junk, they only started accounting for commercial properties two years ago, there aren't subclassifications, and there's nothing to show what is happening on the property. He said comparisons must be based on types of use, not just appearances. He said Metro's database shows 38 percent of the properties as unknown use. He

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said the actual land area according to the Tax Assessor is 717 square feet, so the FAR on which the applicants depend is wrong. Square footage is missing, and properties are misidentified, so the data does not reflect the character of the neighborhood. Mr. Simon asked for time to allow their statistician to demonstrate how large the error factor is, and that density must be determined differently. He said housing unit turnover and population stability is one way to define it. Regarding other ways to determine density, he said Wilson has 3.2 housing units per acre according to the census, while the City has a whole has 2.3, and Wilson has 6.9 people for acre while the City average is 5.1.

Mr. Simon asked for more time for appellants' expert Roger Redfern to examine the data, the Carlsen letter, and the letter from David Evans & Associates. He asked Council to send the matter back to the Hearings Officer and allow appellants 60 days for submission of more evidence. He said appellants hadn't received the applicant's evidence until recently, not 20 days before the hearing as required.

The following persons testified against developing the Turning Point project in the proposed location:

Wesley Risher, 1627 SW Troy, 97219
Chris Rycewicz, 11606 SW Oak Creek Drive, 97219
Liz Callison Petillo, 6039 SW Knightsbridge Dr., 97219
Pat Merkle, 7640 SW 30th Dr., 97219
Kay Durtschi, 2230 SW Caldew St., 97219
Stan Wagner, SW Capitol Hill Road
John Alland, 10463 SW 53rd Ave., SW Neighborhood Coalition
Dorothy Gage, 8000 SW 54th
Carolyn Raz, 1660 SW Bertha, 97219
Lester Techner, 1611 SW Custer Dr., 97219

Opponents testified they oppose building in this location, not the Turning Point project. They said the soil is unstable, wetlands would be lost, and the area is needed for stormwater retention. They said the project needs flat land in an area with compatible density, and there are other locations more suitable for this project.

Wesley Risher, representing Wilson Park Neighborhood Association, said Portland should evaluate federally mandated projects for land use issues as well as fair housing issues.

Commissioner Kafoury asked whether this issue is relevant to the appeal.

Kathryn Imperati responded that testimony is confined to the criteria in the Zoning Code, not the funding source.

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Mr. Risher said Council isn't reviewing this project for compatibility with the Zone Code where Federal mandates will not be sufficed. He said Council is valuing wetlands and stormwater detention facilities less than the two properties. He said the neighborhood proposed another site for development of the Turning Point, but the City rejected the proposal because the Parks Bureau was transferring the City-owned land to the Maintenance Bureau. He said the Maintenance Bureau could use other property and encouraged adoption of the neighborhoods' alternative proposal for a site. Regarding soil stability, he said President Carter issued an Executive Order prohibiting using federal funds on properties where there is flooding and soil instability.

Chris Rycewicz expressed concern about the project location and the way the land use decision was made. He said this development places too much pressure on natural resources in Portland, this is a water retention area, heavy rains will cause flooding in the area, and there was not enough consideration about the impact of flooding on soil stability.

Phil Beckler, Senior Engineer, Bureau of Environmental Services, said in 1982 BES completed a comprehensive drainage analysis of the entire city. They recognized that site as a problem area, because the drainage pipe was only 2 feet in diameter while the area feeding it is much larger. They therefore proposed this site as a stormwater basin, and the flooding people have observed results from the hydraulics of such a basin. The site is operating as intended, with the area flooding with water and then draining. The City obtained easements to accommodate this. Mr. Beckler said they looked at the Comprehensive Plan and zoning when they established criteria for the flows and design because they accounted for future development of that land; however, encroachment should not be allowed within the established easement boundaries.

Commissioner Lindberg asked whether this area would still act as a detention basin and confirmed the project would not flood.

Mr. Beckler responded yes.

Commissioner Blumenauer asked if this development would be permitted under regulations enacted since the application was filed.

Mr. Beckler said the application would be viewed in the same light as 1990.

Jon Gilbert, representing Housing Authority of Portland, consented to a 20-day extension for the appellants to submit information into the record, so long as HAP has 7-day rebuttal time. He said 60 days is excessive.

Steve Erickson, Associate GIS Analyst, Metro, testified as to the reliability of the Regional Land Information System (RLIS). He said many people rely on that database, including the City of Portland Planning Department,

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Washington County Planning Department, David Evans & Associates, US West Communications, PGE, City of Tigard, and Columbia Cable. Regarding the statement 38 percent of the properties were unidentified, he cited Exhibit 3, which identifies all those nonhousehold use categories. He said there's a list of exempt codes, which covers properties such as government properties that don't get assessed for taxation. Regarding the accuracy of categories used, he said they started with a digital map created by PGE.

Commissioner Blumenauer asked about the limitations of the data, since Metro is the repository with which all regional cities are working. He asked if there is a resource with a greater degree of accuracy?

Mr. Erickson said they are updating their database with Oregon Department of Revenue data. As the State finishes the digitizing, Metro replaces their database with their more accurate digital map.

Commissioner Blumenauer inquired regarding opponents' using Census data as measures.

Mr. Erickson said Metro used the U.S. Census for identifying single- and multi-family dwelling units.

Commissioner Blumenauer asked about aggregating persons or units per acre as opposed to FAR.

Mr. Erickson said those are two different ways of identifying density or intensity of use.

Kathryn Imperati said it would be appropriate to hold the record open for appellants' response to the new information that recently arrived. She said Council could hold the record open for three to four more weeks, with another seven days time for rebuttal. Ms. Imperati addressed Mr. Simon's procedural points that evidence should have been submitted 20 days before the hearing, which appeared to refer to ORS 197.763, the "Raise It or Waive It Statute." She said this may not apply to remand hearings, and her opinion is there was no error. Regarding LUBA's not determining the residential area mentioned in the approval criteria, she said Council's previous findings determined the area is the Wilson Park/Multnomah neighborhood area, and Mr. Simon did not dispute that finding at LUBA, so the finding stands.

Commissioner Kafoury said the 60-day request was to review the Metro data, and she thinks that data stands by itself, although appellants may dispute it. She moved to allow the record to remain open for 21 days for submission of new evidence, seven days for both parties' rebuttal, and then the Council hearing would be the following week.

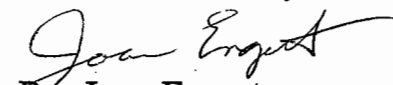
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Kathryn Imperati confirmed the record would be held open until 5:00 p.m., Friday, August 13 for submission of evidence; Friday, August 20, 1993 for rebuttal; and the Council hearing would be Wednesday, September 1, 1993 at 2:00 p.m.

Disposition: Continued to September 1, 1993, at 2:00 p.m.

At 3:30 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland


By Joan Engert
Acting Clerk of the Council